

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

YVONNE WASHINGTON,
2002 High Timber Road
Fort Washington, Maryland, 20744

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Plaintiff,

*

Civil Case No. _____

v.

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SAFEWAY, INC.,
5918 Stoneridge Mall Road
Pleasanton, California, 94588

*

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Defendant.

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NOTICE OF REMOVAL

COMES NOW, Defendant Safeway, Inc. (hereinafter “Defendant” or “Safeway”), by and through its undersigned attorneys, Justin M. Cuniff, Carlos A. Uria, and KIERNAN TREBACH, LLP, and, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the above-captioned matter to this Court. The grounds for removal are set forth below.

NATURE OF PLAINTIFF’S CLAIM

1. On or about June 27, 2022, Plaintiff Yvonne Washington (hereinafter “Plaintiff”), through counsel, commenced this action against Defendant by filing a Complaint in the Circuit Court for Prince George’s County, Maryland (hereinafter “the State Court Action”), which was assigned the following case number: CAL22–18276. In accordance with 28 U.S.C. §1446(a), true and accurate copies of all pleadings and orders served in the Circuit Court for Prince George’s County, Maryland as of this date are attached hereto as **Exhibit A**.

2. The Complaint alleges that Plaintiff sustained personal injuries on June 29, 2019, while shopping at Defendant's store located at 6235 Oxon Hill Road, Oxon Hill, Maryland after slipping and falling due to the accumulation of liquid on said floor.

3. The Complaint asserts a single count of negligence against Defendant.

PROCEDURAL POSTURE

4. On or about June 27, 2022, Plaintiff initiated this action in the Circuit Court for Prince George's County, Maryland.

5. On or about August 11, 2022, Safeway filed its Answer and Affirmative Defenses in the State Court Action.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C § 1446(b)(2)(B).

PARTIES

7. According to the Complaint filed in the State Court Action, Plaintiff is an individual residing in Fort Washington, Maryland. Plaintiff, for diversity purposes, is therefore a citizen of the State of Maryland pursuant to 28 U.S.C. § 1332(a)(1).

8. Safeway is a Delaware corporation with its principal place of business in Oakland, California. Safeway, for diversity purposes, is therefore a citizen of the States of Delaware and California.

JURISDICTION AND VENUE

9. This action is a civil action that falls under this Court's original jurisdiction pursuant to 28 U.S.C. § 1332 (diversity of citizenship), and is one which may be removed to this Court by Safeway pursuant to the provisions of 28 U.S.C. § 1441(a), (b), and (c).

10. This case is removable pursuant to 28 U.S.C. § 1441 because this United States District Court has original jurisdiction of this case under 28 U.S.C. § 1332(a). Section 1332(a) states, in pertinent part, as follows:

a) The district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between

1) citizens of different States...

11. Plaintiff is a citizen of Maryland and Defendant is a citizen of Delaware and California.

12. Plaintiff's Complaint seeks compensatory damages in excess of \$75,000, exclusive of interests and costs.

13. Pursuant to 28 U.S.C. §§ 1332(a), 1441(a), and 1446(a), this Court has original jurisdiction over this action because the amount in controversy exceeds \$75,000 and because this action is between citizens of different states.

14. Venue is proper because this district encompasses the jurisdiction in which Plaintiff initiated her lawsuit and the jurisdiction in which the alleged incident occurred.

15. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal is being filed contemporaneously with the Clerk of the Circuit Court for Prince George's County, Maryland, and served on Plaintiff's counsel of record. A copy of the Notice of Filing of Notice of Removal, without exhibits, is attached hereto as **Exhibit B**.

16. No admission of fact, law, or liability is intended by this Notice of Removal, and all defenses, affirmative defenses, and motions are hereby reserved to Defendant.

Dated: August 11, 2022

Respectfully submitted,

KIERNAN TREBACH, LLP

By: /s/ Justin M. Cuniff
Justin M. Cuniff (Bar No. 16689)
Carlos A. Uria, Esq. (No. 19784)
One Park Place, Suite 425
Annapolis, Maryland, 21401
Telephone: 443-263-2800
Facsimile: 443-263-2935
Email: jcuniff@kiernantrebach.com
Email: auria@kiernantrebach.com
Counsel for Defendant Safeway, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of August, 2022, a copy of Defendant Safeway, Inc.'s, Notice of Removal was filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to:

Adam B. Katzen, Esq.
THE KATZEN LAW FIRM
1250 Connecticut Avenue, NW, Suite 700
Washington, D.C., 20036
Counsel for Plaintiff Yvonne Washington

/s/ Justin M. Cuniff
Justin M. Cuniff, Esq.